

### REMARKS

This responds to the Office Action mailed on 23 February 2006.

Claims 5, 6, 9, 10, 13, and 23 are amended, no claims are canceled, and no claims are added; as a result, claims 1-35 are now pending in this application. The amendments to the claims are fully supported by the specification as originally filed. No new matter is introduced. Applicant respectfully requests reconsideration of the above-identified application in view of the amendments above and the remarks that follow.

### Examiner Interview

Applicant thanks Examiner Marcus Taningco for his time spent in a telephone discussion with Applicant's representative David Cochran on 31 March 2006. In the discussion, it was agreed that in the abovementioned Office Action, claims 1-4 and 38-32 are allowed. The discussion concluded that claim 14 is also allowable

### First §103 Rejection of the Claims

Claims 5-13 and 15-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobson et al. (U.S. Patent No. 5,866,900). Applicant traverses these grounds of rejection of these claims.

Applicant cannot find in Jacobson et al. (hereafter Jacobson) a teaching or a suggestion of a method including calibrating at least one first detector to generate calibration information using a calibration source and generating an image using at least one second detector, where the generated image is altered as a function of the calibration information as recited in amended claim 13. Jacobsen recites at column 4, lines 1-9:

For calibration purposes, the image portions 14<sub>aa-yz</sub> of individual detector elements 31 are compared. Correction factors for each individual detector element 31 are adjusted in response to the comparisons in order to compensate for the different voltage offsets and gains inherent in each individual detector element sensor 31. Calibration can thus be performed using scene based energy without taking unnecessary time away from actual image detection operation.

Applicant submits that Jacobson does not teach or suggest calibrating a detector using a calibration source and using the results of such calibration with another detector to generate an image as recited in claim 13. Therefore, Applicant submits Jacobson does

not teach or suggest all the elements of claim 13 and that claim 13 is patentable over Jacobson for at least the reasons stated above.

For at least reasons similar to those stated with respect to claim 13, Applicant submits that independent claims 5, 6, 9, and 10 are patentable over Jacobson. Claim 7, claim 8, claim 11, claim 12, and claims 15-22 depend on claims 5, 6, 9, 10, and 13, respectively, and are patentable over Jacobson for at least the reasons stated herein.

Applicant respectfully requests withdrawal of these rejections of claims 5-13 and 15-22, and reconsideration and allowance of these claims.

*Second §103 Rejection of the Claims*

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobson et al. (U.S. Patent No. 5,866,900) as applied to claim 13 above, and further in view of Tsai et al. (U.S. Patent No. 6,670,596). Applicant traverses these grounds of rejection of these claims.

In the Office Action, it is stated that “Jacobson et al. disclose calibrating at least one detector, but fail to disclose using a blackbody source defined by a blackbody density function. Tsai et al. teach a method for FPA calibration using a blackbody source (Col. 1, 37-45).” Jacobson relates to a method and apparatus in which calibration is performed by comparisons using scene based energy in individual detectors. *See Jacobson, column 4, lines 1-42 and Summary.* As a result, Applicant submits that the combination of Jacobson and Tsai et al. (hereafter Tsai), as proffered in the Office Action, is not proper.

Further, Applicant cannot find in the combination of Jacobson and Tsai, as proffered in the Office Action (though not proper), a teaching or a suggestion of a method including calibrating at least one first detector to generate calibration information using a calibration source and generating an image using at least one second detector, where the generated image is altered as a function of the calibration information as recited in claim 13. Therefore, Applicant submits that claim 13 is patentable over Jacobson in view of Tsai. Claim 14 depends on claim 13 and is patentable over Jacobson in view of Tsai for at least the reasons stated herein.

Applicant respectfully requests withdrawal of these rejections of claim 14 and reconsideration and allowance of this claim.

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*First Allowable Subject Matter*

Claims 23-27 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 23 is amended into independent form including all of the limitations of the base claim and any intervening claims. Claims 24-27 depend on claim 23. Thus, Applicant submits that claims 23-27 are patentable.

Applicant respectfully requests withdrawal of these objections of claims 23-27 and reconsideration and allowance of these claims.

*Second Allowable Subject Matter*

Claims 1-4 and 28-35 were allowed. Applicant acknowledges allowance of claims 1-4 and 28-35.

With respect to reasons for the indication of allowable subject matter, the Office Action makes assertions regarding contents of the art and features of the claims. Applicant has neither verified nor accepted the accuracy of these assertions, and respectfully submits that there may be different interpretations from those identified in the Office Action. Additionally, Applicant respectfully submits that the relevant claims may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified in the Office Action. Applicant reserves the right to further address one or more aspects of these statements in the Office Action as may later be necessary or desirable.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2157 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 23 MAY 2006

By

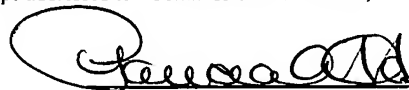


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23<sup>rd</sup> day of May, 2006..

PATRICIA A. HULTMAN

Name



Signature